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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
8076.147USD1	800	288.000	A. Nelson	1638

## CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV004048180US  
 Date of Deposit: October 18, 2001

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Washington, D.C. 20231.

By:   
 Name: Chris Stordahl

1050 U.S. PTO  
 10/085853  
 10/18/01

## DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

## BOX PATENT APPLICATION

Commissioner for Patents  
 Washington, DC 20231

Dear Sir:

This is a request for filing a divisional application under 37 CFR § 1.53(b) of Serial No. 08/983,564, filed on June 9, 1998  
 entitled METHOD FOR PRODUCING HUMAN HEMOGLOBIN PROTEINS USING PLANT CELLS by the following inventor(s):

Full Name Of Inventor	Family Name	First Given Name	Second Given Name
	MEROT	Bertrand	
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
	F-63530 Volvic	France	France
Post Office Address	Post Office Address	City	State & Zip Code/Country
	3, la Coussedlere	F-63530 Volvic	France

2	Full Name Of Inventor	Family Name DIERYCK	First Given Name Wilfrid	Second Given Name
0	Residence & Citizenship	City F-77178 Saint-Pathus	State or Foreign Country France	Country of Citizenship France
2	Post Office Address	Post Office Address 14, rue du Rhin	City F-77178 Saint-Pathus	State & Zip Code/Country France
2	Full Name Of Inventor	Family Name LENEE	First Given Name Philippe	Second Given Name
0	Residence & Citizenship	City F-98800, Noumea	State or Foreign Country France	Country of Citizenship France
3	Post Office Address	Post Office Address 4, rue Beaudelaire - Haut-Magenta, Boite postale 14555	City F-98800, Noumea	State & Zip Code/Country France
2	Full Name Of Inventor	Family Name MARDEN	First Given Name Michael	Second Given Name
0	Residence & Citizenship	City F-93600 Aulnay-sous-Bois	State or Foreign Country France	Country of Citizenship United States of America
4	Post Office Address	Post Office Address 21, avenue Gambetta	City F-93600 Aulnay-sous-Bois	State & Zip Code/Country France
2	Full Name Of Inventor	Family Name GRUBER	First Given Name Veronique	Second Given Name
0	Residence & Citizenship	City F-63400 Chamalieres	State or Foreign Country France	Country of Citizenship France
5	Post Office Address	Post Office Address 44, avenue Jean-Jaures	City F-63400 Chamalieres	State & Zip Code/Country France
2	Full Name Of Inventor	Family Name PAGNIER	First Given Name Renee-Josee	Second Given Name
0	Residence & Citizenship	City F-94270 Le Kremlin-Bicetre	State or Foreign Country France	Country of Citizenship France
6	Post Office Address	Post Office Address 8, rue Jean-Monnet	City F-94270 Le Kremlin-Bicetre	State & Zip Code/Country France
2	Full Name Of Inventor	Family Name BAUDINO	First Given Name Sylvie	Second Given Name
0	Residence & Citizenship	City F-63870 Orcines	State or Foreign Country France	Country of Citizenship France
7	Post Office Address	Post Office Address 2, lotissement des Volcans	City F-63870 Orcines	State & Zip Code/Country France
2	Full Name Of Inventor	Family Name POYART	First Given Name Claude	Second Given Name
0	Residence & Citizenship	City F-75013, Paris	State or Foreign Country France	Country of Citizenship France
8	Post Office Address	Post Office Address 67, rue Croulebarbe	City F-75013, Paris	State & Zip Code/Country France

1. ☒ Enclosed is a copy of the prior application; including the specification, claims, drawings, oath or declaration showing the applicant's signature, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 85 pages of specification, 42 claims, 11 sheets of drawings, and 24 pages of oath or declaration.
- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
2. ☐ Cancel original claims of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
3. ☒ The filing fee is calculated below, based upon entry of the Preliminary Amendment:

CLAIMS AS FILED

NUMBER FILED	NUMBER EXTRA		RATE	FEE
<b>TOTAL CLAIMS:</b>				
11 -20	0	x	\$0.00	0.00
<b>INDEPENDENT CLAIMS</b>				
3 -3	0	x	\$0.00	0.00
			<b>BASIC FILING FEE:</b>	<b>\$740.00</b>
			<b>TOTAL FILING FEE:</b>	<b>740.00</b>

- ☐ Small entity status is claimed pursuant to 37 CFR 1.27.
4. ☒ Payment of fees:
  - ☒ Attached is a check in the amount of 740.00
  - ☐ Please charge Deposit Account No. 13-2725.
5. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.
6. ☒ Amend the specification by inserting before the first line the sentence:
 

"This application is a divisional of application Serial No. 08/983,564, filed June 9, 1998, which is a national stage of PCT/FR96/01123, filed July 17, 1996, which application(s) are incorporated herein by reference."
7. ☒ A set of formal drawings (11 sheets) is enclosed.
8. ☒ Priority of application Serial No. 95/08615, filed on July 17, 1995 in France, is claimed under 35 U.S.C. 119.
- ☒ The certified copy has been filed in prior application Serial No. 08/983,564, filed June 9, 1998.
9. ☒ The prior application is assigned of record to Meristem Therapeutics and Institut National de la Sante et de la Recherche Medicale located at Clermont-Ferrand, France and Paris Cedex 13, France, respectively.

10. ☒ The Power of Attorney in the prior application is to:
- Merchant & Gould P.C.  
Minneapolis, MN 55402-2215
11. ☒ A preliminary amendment and a one-page abstract are enclosed.
12. ☐ A petition and fee has been filed to extend the term in the prior application until . A copy of the petition for extension of time in the prior application is attached.
13. ☐ The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:
14. ☐ A Nonpublication Request under 37 CFR 1.213(a) is enclosed.
15. ☒ Also Enclosed: Verified English translation of PCT/FR96/01123; Information Disclosure Statement, Form 1449; Communication Regarding Sequence Listing, paper copy of Sequence Listing
16. ☒ Address all future communications to the **Attention of Katherine M. Kowalchyk** (may only be completed by attorney or agent of record) at the address below.
17. ☒ A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300



Date: October 18, 2001

*Katherine M. Kowalchyk*  
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Reg. No. 36,848  
KMKOWALCHYK/kas